

App. F. IX-4

Previous References
muz 174-36
111-2

1931-32
'Muzrat'

File No. 74-31

Serial Nos. 1+2

Later References
muz 141

124

General and Revenue Secretariat.

Serial Nos. 2

Part B for October 31

SUBJECT.

Review petition of Desada Siddabasappa
G. P. & others re taking over under Govt
management Dodder matt at Akkipet
Bangalore City etc.

To. muz Comr No 484 of 3.10.31

Forwarded copy of the order rejecting
the ~~pet~~ - -

To. Mr. N. V. Narasimha Sengar, Advocate for
petitioner - No 485 of 3.10.31

Rejects the -

Serial
No

Muz
Petition of 5-9-1931 filed by
Mr. N. V. Narasimha Sanyal
Advocate Bangalore city filed on
behalf of his client Debadra Siddabappa
Setty praying for a revision of
orders passed in Muzrai appeal
No 12 of 30-31 in respect of
Wodmull at Arkhet Bangalore
city.

x pages 9 & 10
of the petition.

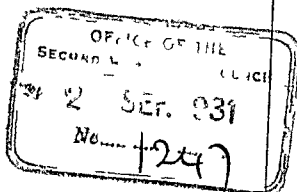
(1) Kind note is invited to the
exhaustive orders in paras 36 to 40 (Hask.)
in Muz No 174-30-9 placed before
It is respectfully urged that there are
no good grounds for a reconsideration
of the orders already passed in the
matter. It appears, the petition will
be rejected. (2) The allegations made
by M.B.L. in the petn have no doubt been
met by facts orders quoted above.

Whether the point raised at para 39
(Muz. 174-30-31-9)
should be pursued is for orders.

Fl. Secy) (3) VS
24.9.31

2nd member) (4) h
26/9/31

(5) This petn may be
rejected



NOTE—Contn Sheet

Muz File No 74

General and Revenue
Secretariat

45700
2/10/31
(1) of. Subd
Fl. Secy)
1/3
2.10.31

3431
2/10

1) h
(I do not know why the file
is marked done)

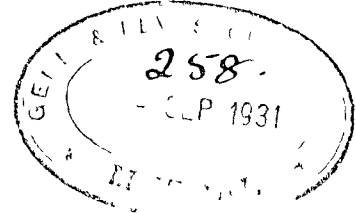
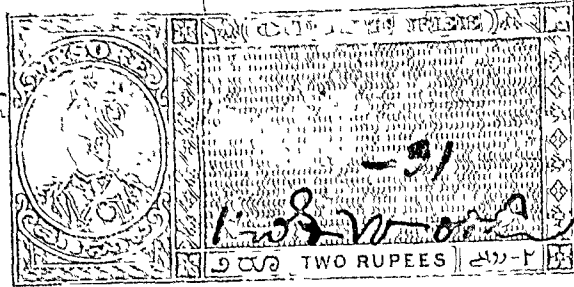
2) Issue
1/3
3.10.31

Memo no 484 of 3.10.31 to the 2
Muzrai Commissioner forwarding
copy of the order rejecting the
revised application.

Memo no 485 of 3.10.31
to Mr. N. V. Narasimha Sagar,
Advocate for the Petitioner.
Intimating the order passed
in the matter.

8/10/31 ✓

15
5.9.31
20-1



Stat-

BEFORE THE GOVERNMENT OF M.L. THE M.L. DA
MYSORE AT DA GADORE.
Muzrai Appeal No. 12 of 1930-31.

Muz 74-31-1

Appellant: Vs Respondent:
N. Basattenpa, Landi Desada Siddabasappa Setty,
Merchant, residing Kuber Sahuji Lane, Bangalore
at Kanavartnapet, City.
Bangalore City.

Muz rev. 5 of 31-32

Muzrai Bz

5/9/31

The abovenamed respondent respectfully begs to apply for a review of the order passed in the above appeal, copy of which was received by the advocate for the respondent on or about the 5th June 1931 and begs to state as follows :-

1. The 2nd respondent basalingasetty died after the appeal was filed. He had no personal interest in the Mutt in question or its properties. Hence the 1st respondent above has filed this application.
2. The enquiry was started by a petition dated 31-8-23 signed by more than one hundred members of the Veerasaiva community of Bangalore, the two respondents being among the signatories. The petitioners' contention is that the Mutt in question is a religious institution belonging to the community, that the mutt in dispute is the mutt referred to in the original sannad and Inam

Settlement

Settlement as "Arlepet Jodda Matha"; that the Devadaya Tnam lands were granted to the mutt in dispute. Whereas the content of the Appellant is that the mutt is a private institution, that the inam lands were granted to another mutt in Arlepet, and that the lands were handed over ~~the~~ Chennaveera Devary, the Swami of the Mutt in dispute by the Swami of the other Mutt under D 34 of 1849.

3. The Appellant has stated in his evidence that Arkipet is also known by the name of Ianavartapet.

ಅರಲೇಪುರ ಮತ್ತು and gives his residence as Ianavrtapet. His witnesses also say so. The respondent begs to submit that the ~~authorities~~ authenticated copies produced by him and referred to below go to show that both Ianavarthapet and Subramanyagalli formed part of Arlepet. They are (1) notice dated 11th October 1897 from the Bangalore Municipal Office and bearing the seal of the Municipality addressed to one Revanna reciting "ಅರಲೇಪುರ, ಬೆಂಗಳೂರು ಮುನ್ಸಿಪಲ್ ಕಮಿಷನರಿ" (2) Document dated 15-2-1904 executed by Mr. B.V. Lakshman Rao in favour of the Dewan of Mysore in respect of building advance; (3) Document dated 5-7-1900 in favour of the Mysore Government by Mr. Subba Rao in respect of land acquired under the Land Acquisition Regulation.

[illegible]

two

two being independent the Swami of the ~~one~~ ^{mutt} cannot be called the Shishya of the ^{other} ~~mutt~~. It is therefore submitted that it is quite reasonable to suppose that the Shishya referred to in Col 10 must be Basalinga Mari Devara but not the Guru of the other mutt. In Col.8 of the Inam Register we find the object of the grant is stated to be " for the support of Doda Latha in Arlepet, Bangalore."

6. If Chennaveera Devaru held the lands for the benefit of the other mutt under D 34 he certainly would have stated so at the Inam Settlement and produced - D 34. We find he has not done so, but gave ~~the~~ statement as the head of the mutt in dispute, and the Inam Settlement Officer also treated as though the grant was made to the mutt over which Chennaveera Devaru presided. The long uninterrupted possession of the lands of the Sannad ^{by} ~~Chennaveera~~ Chennaveera Devaru and the present appellant from 1849 as admitted by the appellant himself strengthens the conclusion that the Inam lands were granted to the mutt in dispute. - Further Varibasavaswami, who, the appellant admits, is the Swami of the other mutt, has filed petitions to the Amildar and the Deputy Commissioner stating that no

Inam

Inam lands were granted to his mutt and that his mutt is not a Muzrai institution.

" In order to explain away the long uninterrupted possession of the Inam lands, the appellant has put forward the special case of transfer by the Swami of the other mutt to Chennaveera Devaru, the Swami of the mutt in dispute, under D 34 of 1849. In proof of this transfer except the production of D 34 no other evidence oral or documentary is produced. In fact the appellant in his deposition says that he personally is not aware of the transfer and the witnesses to D 34 are all dead. D 34 is on a blank paper not registered. It is not referred to in the documents executed by Chennaveera Devary D 37 and D 41, nor is it referred to in the Inam Settlement. There is nothing to show that it was produced in any other previous proceeding. It is therefore submitted that mere production of D 34 is no proof of its genuineness or ^{of the} transfer under it. The special case put forward by the appellant not having been proved, the conclusion is irresistible that the mutt in dispute which has been

in the

in the enjoyment of the Inam land is the very mutt to which the grant was made.

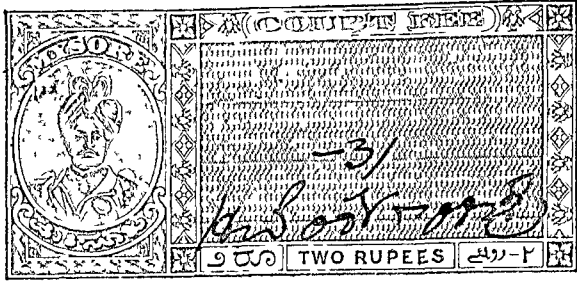
8. It is submitted that the evidence ~~stax~~ and circumstances stated above are sufficient to justify the conclusion that the Inam lands were granted to the mutt in dispute and confirmed during the Inam Settlement for the benefit of the mutt in dispute and - that therefore the mutt in dispute is a Puzrai institution.

9. There is ample and satisfactory evidence on record that the mutt is a religious institution possessing properties yielding monthly income of over : 100/- as stated by the appellant himself, which income the - appellant has been appropriating for his own purposes as admitted in his ~~depos~~ deposition. It is therefore submitted that it calls for an immediate interference on the part of the Government.

10 The respondent respectfully prays that the Government may be pleased to hear the parties once again to reconsider the order already passed and to take over the management and make suitable arrangements for the proper administration of this public religious institution.

Desada Gidela basappa
Marasimurthy
adv. for Respondent 5/9/31

N. V. NARASIMHA IYENGAR, B.A., B.L.,
AND
T. R. SREENIVASA IYENGAR B.A., LL.B.
ADVOCATES.



In the Court of
Before the Government of His Highness the
Maharaja of Mysore
Mysore CASE NO.....2.....OF 1931-31

<i>Appellant</i>		<i>Respondant</i>
..... <i>N. Basappa</i>	} Vs. {	 <i>Desada Suddabasappa Setty</i>
.....		
.....		

Siddabasappa Setty.....the *Respondant*..... above named do hereby nominate and appoint Messrs. N. V. Narasimhaiengar, B.A., B.L., and T. R. Srinivasa Iyengar, B.A., LL.B., in the above suit and.....*I*.....do hereby empower the said *adv*.....to appear for and on.....*my*.....behalf arising out of or in connection with the above suit either during progress or after its decision, to sign and subscribe their names to any document which they may deem proper, to execute any decree that may be passed *on*.....*my*.....favour and to receive out of the said Court any sum of money which may be lodged or become payable or receivable on.....*my*.....behalf and on receipt thereof to grant receipt or other sufficient discharges for the same, to withdraw, compromise or refer to arbitration the said suit to appoint one or more substitute or substitutes and to act and perform all other matters and things relating to or connected therewith, to represent *me* in matters relating to the same and to act in the premises as fully and effectually to all intents and purposes as*I*.....might do if personally present and did the same. And*I*.....do hereby agree to pay all fees, costs, charges and expenses which may be incurred and to allow ratify and confirm all and singular whatsoever the said *adv*..... shall lawfully do or cause or procure to be done in the premises by virtue of these presents.

In witness whereof*I*..... have hereunto set.....*my*.....hand this
5th day of.....*September*..... 1931 .

Desada Suddabasappa Setty
.....

ACCEPTED *N. Narasimhaiengar*
adv for Res.

Signed before me by the executant who.....*is*.....known to me.
me

BEFORE THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Muzrai Review No. 5 of 1931-32.

Appellant

Desada Siddabasappa Setty
Kuber Sahuji Lane, Banga-
lore City and others.

Respondent.

N. Basettappa, Landi
Merchant residing at
Vanavarthapet Banga-
lore City.

SUBJECT.

Prayer that Government may be pleased to hear the parties once again, to reconsider the orders passed in Muzrai Appeal No. 12 of 1930-31, to take over the management of Dodmutt at Akkipet Bangalore City and make suitable arrangements for the proper administration of that public religious institution.

O R D E R:

Government see no reason to reconsider the orders already passed. The petition is therefore rejected.

Memo No. 4844/muz 74-31-2 & 3.10.31

Copy of the above is forwarded with compliments to the Muzrai Commissioner in Mysore in continuation of this office Memorandum No. 2589/Muz 174-30-9 dated 4th June 1931.

By Order,

Sd/- B. Srinivasa Iyengar.

For Secretary to Government
Financial Department.

Memo No. 485 & 3.10.31

Copy to Mr. N.V. Narasimha Iyengar, B.A., B.L.,
Advocate for the petitioner, Chikpet, Bangalore City.

By Order,

Suhakumarasastri

For Secretary to Government
Financial Department.

1884/1885 17-18

1884

1884/1885 17-18

(G)

Before the Government of His Highness the
Maharaja of Mysore.

Muz. ^{Review} Appeal No. 5 of 1931-32

Appellant.

Vs.

Respondent

Desada Siddabusappa
Sethy. Kuber Sahaji dani
Bangalore city collector

N. Basappa
Hansi merchant
residing at Hanavarthpet
Bangalore city

Subject.

Prayer that Govt. may be pleased to hear the parties
once again, to reconsider the orders passed in
Muz. Appl. No. 12 of 1930-31, to take over the
management of Dodmulla at Akkipet Bangalore
city and make suitable arrangements for
the proper Administration of that public
Religious institution.

Order

Govt. see no reason to reconsider the orders
already passed. ~~and to interfere into the~~
~~affairs of the Mulla.~~ The petition is therefore
Rejected

Copy of the above is forwarded with

112

Compliments to the M.C. in continuation
of this office memo no. 2589/Muz 174.

of 4-6-1931

B.

~~JS~~
2.10.31 ~~For see to you~~
H. Deph

Copy to 1. N. V. Narasimhaiah
B.A. B.L., Advocate for the petitioners,
Chickpet Bangalore city -

B. O

~~JS~~
2.10.31 ~~For see to you~~
H. Deph.

L.S.
2/10

Pages 1-12